ADOPTED BY THE
MAYOR AND COUNCIL

_____

ORDINANCE NO. _____

RELATING TO WATER; AMENDING THE TUCSON CODE CHAPTER XXVII, WATER, BY REPEALING ARTICLE V, BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL AND ENACTING A NEW ARTICLE V, BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL ARTICLE V; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter XXVII Water, Article V, Backflow Prevention and Cross-Connection Control is hereby repealed.

SECTION 2. The Tucson Code, Chapter XXVII Water, is hereby amended by adding a new Article V, Backflow Prevention and Cross-Connection Control to read as follows:

ARTICLE V. BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL

27-70 Definitions.

Auxiliary Water Supply means any water supply available to a premises or another purveyor's water supply system. These auxiliary waters may include additional water services from Tucson Water's public water supply, other water purveyors or any other natural source.

AWWA means the American Water Works Association,

Backflow Prevention Assembly means an assemblance of one or more body components including shutoff valves that has been approved by the Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California.

Backflow Prevention Assembly Tester (registered) means a person who is currently certified by an authority recognized in the Arizona Department of Environmental Quality regulations and is approved and registered with Tucson Water to test, repair, and maintain backflow prevention assemblies.

Compliance Date means the annual date by which the annual Backflow Prevention Assembly compliance test report must be received by Tucson Water Backflow Prevention Office, and that the backflow assembly meets the requirements of AAC R18-4-115 and Tucson City Code Chapter 27 Article V; or for violations of this article, the specified date by which a violation must be remedied.

Compliance Fee means the fee that is charged to recover the administrative costs that are incurred when a customer's water service is discontinued.

Consecutive Systems means another public or private water system where Tucson Water is the sole source of water for the other purveyor's water system.

Contamination means any condition, device or practice which, in the judgment of Tucson Water, may create a danger to health and well being. This includes an impairment of the public water supply by the introduction or admission of any foreign substance that degrades the water quality and creates a health hazard.

Cross-Connection Protection means the degree of protection against cross-connections existing between the public water supplies and private plumbing systems.

Customer means the person/entity accepting financial responsibility for water service from Tucson Water.

Hazard means a cross connection or potential cross connection between the public water supply and a private plumbing system involving any substance that could, if introduced into the public water supplies, be aesthetically objectionable or a nuisance, cause severe damage to the physical facilities of the public water supply systems, cause death, illness, or spread disease, or have a high probability of causing such effects.

Improper means not functioning within the manufacturer's or Tucson Water's specifications or the requirements of this article.

Inspection means a visual examination of a premise or any backflow protection equipment, materials, workmanship and operational performance.

Maintenance means work performed or repairs made to keep backflow prevention assemblies operable and in compliance.

Pollution means any actual or potential threat to the physical facilities of the public water supply systems or to the public water supplies which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances. This includes any substance that generally would not be a health hazard but would constitute a nuisance, or be aesthetically objectionable, if introduced into the water supply.

Proper means functioning within the parameters of the manufacturer's and Tucson Water's specifications and the requirements of this article.

Reclaimed Water means water that is provided through the Tucson Water reclaimed system.

Service Connection means a piping connection between Tucson Water's meter and a customer's private plumbing system.

Service Protection means the acceptable backflow prevention method installed between Tucson Water 's meter and a customer's private plumbing system.

Testing means an authorized procedure to determine the operational and functional status of a backflow prevention assembly.

Sec. 27-71. Purpose and application.

The purpose of this article is:

(1) To protect the public water supplies of Tucson Water from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public water supply systems.

(2) To promote the elimination or control of cross-connections, actual or potential, between a customer's internal water systems, plumbing fixtures, industrial piping systems, and the public water supply.

(3) To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public water supply systems.

(4) To implement the requirements of AAC R18-4-115 requiring public water systems to protect against backflow, and to this end this article shall be construed and applied consistent with the requirements of AAC R18-4-115.

Sec. 27-72. Backflow prevention required.

(a) When Tucson Water determines that the water supplied by the public water systems may be subject to contamination or pollution, an approved backflow prevention method shall be required at every service connection to a customer's water system. The customer shall install the required backflow protection within the time specified by Tucson Water. In determining the time in which backflow protection shall be installed, Tucson Water shall consider the degree of hazard potential to the public water supplies.

(b) The backflow prevention method required shall be determined by Tucson Water. The method required by Tucson Water shall be sufficient to protect against the hazard potential, as determined by Tucson Water, to the public water supplies.

Sec. 27-73. Hazard potential.

The hazard potential to the public water supply systems from a customer's private plumbing system shall be determined using the following hazard factors as each is defined in Sec. 27-70:

(1) Contamination

(2) Cross-connection protection

(3) Pollution

Sec. 27-74. Backflow prevention methods; list.

(a) A backflow prevention method shall be any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which Tucson Water may require under section 27-72 or section 27-75:

(1) Air Gap (AG): The unobstructed vertical distance through the free atmosphere between the opening of the pipe or faucet supplying potable water to a tank, plumbing fixture or other device. An approved air gap shall be at least double the effective opening of the supply pipe or faucet and in no case less than one (1) inch above the flood rim.

(2) Reduced Pressure Principle Assembly (RPA): An assembly containing two (2) independently acting approved check valves together with a hydraulically

operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

(3) Double Check Valve Assembly (DCVA): An assembly composed of two (2) independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

(4) Pressure Vacuum Breaker Assembly (PVB): An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

(5) Spill-Resistant Pressure Vacuum Breaker (SVB): An assembly containing an independently operating internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with a properly located resilient seated test cock, properly located bleed/vent valve and tightly closing resilient seated shutoff valves located at each end of the assembly.

(6) Double Check Detector Assembly (DCDA or DDCVA): An assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly.

(7) Reduced Pressure Principle Detector Assembly (RPDA): An assembly composed of a line size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly.

(b) A backflow prevention method may be approved by Tucson Water if it is contained in Section 7.2 of the Manual of Cross-Connection Control, Ninth Edition, USC-FCCCHR, KAP-200 University Park MC 2531, Los Angeles, California, 90089-2531, December 1993 (cross connection manual). The current list of approved methods shall be available for inspection at Tucson Water to any customer required to install a backflow prevention assembly.

(c) Any backflow prevention assembly equipped with test cocks shall have been issued a certificate of approval by the USC Foundation for Cross-Connection Control and Hydraulic Research. Any backflow prevention assembly not equipped with test cocks shall be certified by a third party entity unrelated to the product's manufacturer or vendor and approved by the Arizona Department of Environmental Quality.

Sec. 27-75. Backflow prevention methods required.

(a) Whenever the following items exist or activities are conducted on premises served by the public water systems, a potential hazard to the public water supplies shall be presumed, and a backflow prevention method of the type specified herein for that item or activity must be utilized or installed at each service connection for that premises. If an activity or item is not on the following list, it shall be evaluated by Tucson Water and a method of backflow prevention will be determined.

(1) Cooling tower, boiler, condenser, chiller, and other cooling systems: RPA

(2) Tank, vessel, receptacle, and all other water connections, including mobile units, except emergency vehicles and private swimming pools: RPA

(3) Icemaker (other than a residential service): RPA

(4) Water-cooled equipment, boosters, pumps or autoclaves: RPA

(5) Water treatment facilities and all water processing equipment (other than residential water softeners): RPA

(6) Bottle washer, bedpan washer, garbage can washer: RPA

(7) Pesticide, herbicide, fertilizer, and chemical applicators (other than typical in-home use): RPA

(8) Aspirator: RPA

(9) Commercial dishwashers, food processing and/or preparation equipment, carbonation equipment, or other food service processes: RPA

(10) Decorative fountain, baptismal, or any location water is exposed to atmosphere: RPA

(11) X-ray equipment, plating equipment, or any other photographic processing equipment: RPA

(12) Auxiliary water supply and/or connections to unapproved water supply systems: RPA

(13) Reclaimed water sites with potable water connection: RPA

(14) Recreational vehicle dump stations (sewer), or any other location where water may be exposed to bacteria, virus or gas: RPA

(15) Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants and/or contaminants are handled in a manner by which they may come in direct contact with water, or there is evidence of the potential to contact water: RPA

(16) Materials and piping systems unapproved by the City Plumbing Code or Environmental Protection Agency for potable water usage: RPA

(17) Separately metered or unprotected irrigation systems, and construction water services: RPA or PVB/SVB as allowed

(18) Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the City Plumbing Code: RPA

(19) Multimetered properties with more than one (1) meter connected to another or any building three (3) stories or greater than thirty-four (34) feet in height from service level: RPA

(20) Fire systems-AWWA Classes 1 and 2 and all systems constructed of a piping material not approved for potable water pursuant to the City Plumbing Code: DCVA or Double Detector CVA. Furthermore, fire systems, Classes 1 and 2, that are under the jurisdiction of the Fire Department or a Fire District that requires periodic sprinkler system testing similar to the City's are exempt from this article: DCVA

(21) Fire systems-AWWA Class 3, 4, 5, 6: RPA or RPA with Detector

(22) Fire systems which require backflow protection and where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RPA (Requirement may be waived by Tucson Water)

(23) Any premises which has a source of water supply that is not accepted by the public water system and or not approved by the Arizona Department of Environmental Quality: As determined by Tucson Water

(24) Any premises where an unprotected cross-connection exists or where there has previously occurred a cross connection problem within the premises: As determined by Tucson Water

(25) Any premises where there is a significant possibility that a cross-connection problem will occur and entry onto the premises is restricted to the extent that cross-connection inspections can not be made with sufficient frequency or on sufficiently short notice to assure that unprotected cross-connections do not exist: As determined by Tucson Water

(26) Multi-use commercial property: RPA

(27) Properties with active private wells: RPA

(28) Consecutive systems, when required by Tucson Water: RPA

(29) Fire Hydrant/Construction Water: RPA

(30) Jumper Connection to New Water Mains: RPA

(b) When two (2) or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be installed at each service connection. The order of most restrictive to least restrictive backflow prevention methods shall be as follows:

(1) Air gap (AG).

(2) Reduced pressure principle assembly (RPA).

(3) Reduced pressure principal detector assembly (RPDA).

(4) Double check valve assembly (DCVA).

(5) Double check detector assembly (DCDA).

(6) Pressure vacuum breaker assembly (PVB).

(7) Spill resistant pressure vacuum breaker (SVB).

Sec. 27-76. Backflow assembly installation requirements.

(a) Backflow prevention assemblies shall be installed and maintained by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the city, at each service connection. The customer is responsible for notifying Tucson Water of any installation, repair, relocation or replacement. A backflow prevention assembly shall be installed as close as practicable to the service connection. Any backflow prevention method shall be installed in accordance with the manufacturer’s specifications and Tucson Water’s standard details for installation.

(b) The assembly shall have a diameter at least equal to the diameter of the service connection or service line at point of connection. Each service connection will require its own backflow prevention assembly.

(c) The assembly shall be in an accessible location approved by Tucson Water. The RPA, RPDA, DCVA, DCDA, PVB, and SVB shall be installed above ground and per Tucson Water standard details.

(d) When a customer desires a continuous water supply, two (2) backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing and maintenance of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross-sectional areas of the assemblies shall be at least equal to the cross-sectional area of the service connection or service line piping at the point of installation, and the assemblies shall be of the same type.

(e) For an AG installation all piping installed between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by Tucson Water.

(f) Backflow prevention assemblies shall not be installed in a meter box, pit or vault.

(g) A PVB or SVB assembly may be installed for use on a landscape water irrigation system if:

(1) The water use beyond the assembly is for irrigation purposes only;

(2) The PVB/SVB is installed in accordance with manufacturer's specifications;

(3) The irrigation system is designed and constructed to be incapable of inducing backpressure;

(4) Chemigation, the injection of chemical pesticides and fertilizers, is not used or provided for in the irrigation system; and

(5) No other source of water is available on the premises.

If these five criteria are not met, then an RP assembly is required.

(h) No person shall alter, modify, bypass or remove a backflow prevention method without the approval of Tucson Water.

(i) Installation of the backflow prevention assembly must be completed within the time specified in the notice to install or within 45 days of the water meter installation. A time extension may be granted by Tucson Water.

(j) If a customer fails to install a backflow prevention assembly pursuant to this article, Tucson Water shall discontinue water service and assess a compliance fee pursuant to this article.

Sec. 27-77. Installation of backflow prevention assemblies for fire systems.

In addition to the requirements of section 27-75 the following shall also apply.

(a) Fire Systems:

(1) Fire protection systems may consist of sprinklers, hose connections, and hydrants. Sprinkler systems may be dry or wet, open or closed. Systems consisting of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice, especially in cities, to equip automatic sprinkler systems with fire department pumper connections.

(2) A meter (compound, detector check) should not normally be permitted as part of a backflow prevention assembly. An exception may be made, however, if the meter and backflow prevention assembly are specifically designed for that purpose.

(3) For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:

a. Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

b. Class 2: Same as class 1, except that booster pumps may be installed in the connections from the street mains. It is necessary to avoid drafting so much water that pressure in the water main is reduced below twenty (20) psi.

c. Class 3: Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition).

Otherwise, Class 3 systems are the same as class 1. Class 3 systems will generally require minimum protection (approved double check valves) to prevent stagnant waters from backflowing into the public potable water system.

d. Class 4: Directly supplied from public mains similar to classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary

supply may be located within seventeen hundred (1,700) feet of the pumper connection. Class 4 systems will normally require backflow protection at the service connection. The type (air gap or reduced pressure) will generally depend on the quality of the auxiliary supply.

e. Class 5: Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems; or where antifreeze or other additives are used. Classes 4 and 5 systems normally would need maximum protection (air gap or reduced pressure) to protect the public water system.

f. Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

(b) Installation of Assembly: When a backflow prevention assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the city. (Installation of DCVA's or DDCVA's in a vertical position on the riser may be allowed on fire systems with Tucson Water approval.)

Sec. 27-78. Inspections.

(a) A customer's water systems shall be available at all times during business operations for premises inspection and backflow prevention assembly testing by Tucson Water. The inspection shall be conducted to determine whether any cross-connection or other hazard potentials exist and to determine compliance with this article and modifications, if any, pursuant to section 27-81.

(b) Tucson Water shall inspect all new sites, assembly installations, assembly relocations and assemblies that have been repaired for compliance.

(c) A waived premise is a property for which Tucson Water has determined there are currently no hazard potentials. All waived premises shall be inspected periodically or when there has been a change in owner/tenant or there has been a use change.

(d) If a customer refuses entry to a premises for inspection during business operations, Tucson Water may discontinue water service, require backflow prevention or take any steps allowed by law to gain entry to the premises.

Sec. 27-79. Permit.

(a) Installation permits for the installation of all backflow prevention assemblies required by Tucson Water shall be obtained from Tucson Water prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including replacement or relocation.

(b) It shall be the duty of the person doing the work authorized by the permit to notify Tucson Water, orally or in writing, that the work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected and shall be given only if there is reason to believe that the work done will meet current city codes and regulations.

(c) Whenever any work is being done contrary to the provisions of the City Plumbing Code or this article, Tucson Water or an authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such person shall forthwith stop such work until authorized by Tucson Water to proceed with the work.

(d) Any Tucson Water employee may, in writing, suspend or revoke a permit issued under provisions of this article, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the City Plumbing Code or this article.

Sec. 27-80. Test, Notification, Maintenance, Records.

(a) The annual test compliance date shall be set by Tucson Water.

(b) Tucson Water shall notify the customer at least 45 days before the annual test compliance date for each backflow prevention assembly.

(c) The customer shall test each backflow prevention assembly at least once a year. Test intervals for any backflow prevention assembly may not exceed 12 months. If an inactive water service is reactivated, the backflow prevention assembly associated with that service shall be tested if more than 12 months has passed since the last test.

(d) For annual compliance testing the customer shall not test any backflow prevention assembly more than 45 days prior to the annual test compliance date.

(e) The customer may request in writing a change of the annual test compliance date for any assembly. No compliance date may be changed to be more than 12 months after the most recent test.

(f) If any testing reveals the assembly to be defective or is in improper operating condition, the customer shall perform any necessary repairs, including replacement of the assembly, which will return the assembly to proper operating

condition. If an assembly is replaced, relocated or repaired, a new test shall be performed on such assembly and submitted to Tucson Water.

(g) At least 15 days before the compliance date, if Tucson Water has not received the required annual test information or the backflow method/device does not meet applicable codes, Tucson Water shall provide notice in writing to the customer that Tucson Water will discontinue water service and assess a compliance fee if the required annual test information is not received and the backflow protection system does not meet applicable codes by the compliance date.

(h) If Tucson Water or a customer learns or discovers, during the interim period between tests, that an assembly is defective or is in improper operating condition, the customer shall perform any necessary repairs, including replacement of the assembly, which will return the assembly to proper operating condition.

(i) The annual testing shall be performed by an individual certified to conduct such testing by the California-Nevada Section of the AWWA, the Arizona State Environmental Technical Training Center or other certifying authority approved by the Arizona Department of Environmental Quality. A list of certified testers registered with Tucson Water shall be maintained by Tucson Water and shall be available upon request to all persons required to install or maintain a backflow prevention assembly.

(j) Test procedures shall be performed as required by the Arizona Department of Environmental Quality as set forth in Chapter Nine of the Manual for Cross-Connection Control, Ninth Edition, December 1993. The tester shall provide a copy of the test report to the customer and to Tucson Water, and shall maintain a copy for their records.

(k) The customer shall maintain records, on forms approved by Tucson Water, of the results of all tests and all servicing, repairs, or replacements of the backflow prevention assembly. A copy of the records shall be provided to Tucson Water within five (5) days after completion of the activity for which the record is made.

(l) Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department shall be notified immediately of any changes in fire service status.

(m) Tucson Water may test any backflow prevention assembly at any time.

(n) Tucson Water will return incomplete and erroneous test forms to the tester and customer for correction and resubmission by the compliance date.

Information on submitted test forms can only be changed or modified by the tester who has signed the form and is responsible for that test.

(o) Test equipment shall be maintained and calibrated annually by an agency approved by Tucson Water as required by the cross connection manual. A copy of the annual equipment calibration certificates shall be submitted to Tucson Water to maintain equipment registration and certification. Test equipment for testing backflow prevention assemblies in Tucson Water's service area shall be registered with and approved by Tucson Water. Test equipment used on anything other than potable water backflow prevention assemblies shall not be used to test such assemblies and shall be identified as non-potable test equipment.

(p) Testers shall register with Tucson Water if they are conducting backflow assembly testing in Tucson Water's service area. Testers shall submit a current copy of their certification or recertification upon registration. Testers, upon renewal of tester certification, shall be certified on all backflow prevention assemblies that may be used for service protection. A Tucson Water registration issued to a backflow prevention assembly tester for testing backflow prevention assemblies in Tucson Water**'**s service area may be revoked or suspended upon certification expiration or for improper testing, maintenance, reporting or other improper practices.

Sec. 27-81. Determination, modification or waiver of backflow prevention requirements.

If Tucson Water determines, after inspection of the customer's system, that a backflow prevention method less restrictive than that required in section 27-75 will provide adequate protection of the public water supply, Tucson Water may, at its sole discretion, modify or waive the requirements of section 27-75 accordingly. In determining, waiving, or modifying backflow requirements, Tucson Water shall consider the hazard potential to the public water system based on the design of the customer's water system.

Sec. 27-82. Discontinuance of water service.

(a) If Tucson Water discovers that: a customer has not installed a required backflow prevention method or that a backflow prevention method has been improperly tested or maintained, bypassed or removed; or, that an unprotected cross-connection exists in the customer's water system, or any other violation of this article has occurred except the annual testing requirement, the water service to that service connection shall be discontinued if the condition is not remedied within the time specified in the notice sent to the customer as required by this section. The service shall not be restored until the condition is remedied or Tucson Water authorizes a turn on for assembly testing and continuance of service.

(b) Water service to a fire sprinkler system shall not be subject to discontinuance under this section. If a condition, which would otherwise result in discontinuance of water service in subsection (a) above, is not remedied within the time provided in the notice sent to the customer, discontinuance of the domestic water service may result.

(c) Prior to discontinuance of any water service because a condition set forth in subsection (a) above exists, Tucson Water shall send a notice to the customer specifying the nature of the condition that must be remedied by the compliance date. A compliance date in a notice sent to the customer shall not be less than fifteen (15) days from the date of the notice. If compliance has not been achieved and the compliance date has passed, water service shall be discontinued without further notice and a compliance fee imposed.

(d) Notwithstanding subsections (a) and (c), Tucson Water may discontinue, without notice, water service to any customer when Tucson Water discovers any potential for contamination of the public water systems by the customer's private plumbing systems.

Sec. 27-83. Administrative appeal.

An administrative appeal may be taken whenever a question arises over any of the requirements of this article, and the applicant wishes to appeal the decision of Tucson Water or seek a variance from the requirements of this article. The appeal may be made to the Backflow Prevention Hearing Committee as follows:

(1) The applicant shall file a written appeal on the forms provided by the Tucson Water Backflow Prevention Office within 10 working days from the date of the decision by Tucson Water that the applicant wishes to appeal. The applicant shall set forth, in detail, and on the form provided, the basis for their request, and may attach additional documentation to the form.

(2) The appeal will be heard by the hearing committee within seven (7) working days, after receipt of the written appeal, at a regular specified time. Formal Arizona Rules of Evidence will not apply, but any testimony or evidence offered must be relevant to the issue in question.

(3) The hearing committee shall consist of three (3) members each of whom shall be knowledgeable or experienced in backflow prevention, plumbing, or water system hydraulics. One (1) member shall be appointed by the Director of Tucson Water. One (1) member shall be appointed by the Director of the Department of Development Services. One (1) member shall be appointed from the full membership of the City of Tucson Small Business Commission. Additional inspectors or other technical persons may be present for a particular appeal.

(4) The applicant shall provide adequate information at the hearing to fully describe the conditions in question and to establish the justification and basis for the applicant's request.

(5) The applicant may, but is not required to, personally attend the hearing.

Sec. 27-84. Violation a civil infraction.

It shall be a civil infraction for any person to violate any of the requirements of this article.

Sec. 27-85. Reserved.

Sec. 27-86. Fees.

(a) The fee for issuing a permit to install a backflow prevention assembly and inspecting the installation shall be seventy-five dollars ($75.00).

(b) A compliance fee of seventy-five dollars ($75.00) shall be assessed when the customer fails to meet the requirements imposed by this article and Tucson Water discontinues water service.

SECTION 3. Sections 1 and 2 of this ordinance shall become effective _____ 2004.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, _____.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

REVIEWED BY:

_____
CITY MANAGER

FWK:hm
5/10/04 1:30 PM